



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
C. Stephen Allred, Director

December 17, 2003

Certified mail no.: 7099 3220 0006 2682 6738
RETURN RECEIPT REQUESTED

Mr. Martin Wheeler
BNFL, Inc.
765 Lindsay Blvd
Idaho Falls, ID 83402

SUBJECT: Notice of Violation Based on the August 25 – 29, 2003 Inspection of the Idaho National Engineering and Environmental Laboratory by the Department of Environmental Quality

Dear Mr. Wheeler:

The Department of Environmental Quality (DEQ) administers programs designed to ensure that businesses and individuals comply with specific permits and rules designed to protect the citizens and the environment throughout the State. Based on available information, DEQ believes BNFL, Inc. and the U.S. Department of Energy (DOE) may have violated such rules and/or permit requirements at the Idaho National Engineering and Environmental Laboratory (INEEL) Advanced Mixed Waste Treatment Project (AMWTP). The purpose of this letter is to notify DOE and BNFL, Inc. of apparent violations resulting from a Resource Conservation and Recovery Act (RCRA)/Hazardous Waste Management Act (HWMA) inspection at the AMWTP on August 25, 2003, as described in the document enclosed herein.

Please note that DEQ has assessed penalties for the alleged violations based on DEQ policy and/or Idaho law. DEQ considers each of the violations identified in the enclosed Notice of Violation to be recalcitrant. The violations reflect failure to remedy deficiencies documented by BNFL personnel during previous facility inspections. DEQ has previously informed DOE and their contractor of the requirement to remedy deficiencies during inspections and via Notices of Violation dated May 25, 1999 and August 7, 2000. In the resulting Consent Orders, DOE and their contractor agreed to implement, maintain, and continue to use a documented process to ensure that all deficiencies found on RCRA inspections are properly recorded, tracked, and resolved.

Additionally, Violation Number 2 presents a major potential for harm to employee health and the environment. The violation pertains to failure to remedy a malfunction of the emergency telephone system in a permitted hazardous waste storage building. BNFL personnel had previously noted the malfunction in their own inspection. However, BNFL did not remedy the malfunction in a timely manner until requested to do so by DEQ.

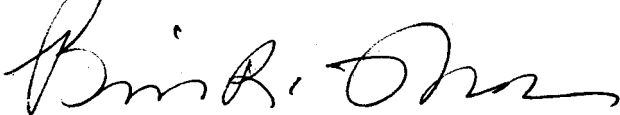
The assessed penalties in the enclosed Notice of Violation reflect the seriousness and magnitude of noncompliance.

DEQ is seeking the cooperation of DOE and BNFL, Inc. in resolving these matters to the full satisfaction of the parties. DOE and BNFL, Inc. are advised to contact DEQ within fifteen (15) days after receipt of this letter. At such time, DEQ will schedule a meeting at a mutually agreeable date and time, at which the Notice of Violation can be discussed. If DOE and BNFL, Inc. elect not to meet with DEQ on the alleged violations, DEQ will seek resolution of these matters using its authorities as provided by law. Arrangements to meet should be made by contacting D. Michael Gregory at (208) 373-0502 or at the following address:

D. Michael Gregory
Hazardous Waste Enforcement Coordinator
Hazardous Waste Program
Waste Management and Remediation Division
Idaho Department of Environmental Quality
Boise, Idaho 83706-1255

Thank you in advance for your prompt attention to this matter. DEQ is confident that we can work cooperatively to resolve these issues.

Sincerely,



Brian R. Monson
Hazardous Waste Program Manager
Waste Management and Remediation Division

Enclosure

BRM:tg

c: Darrell Early, Deputy Attorney General
D. Michael Gregory, DEQ Waste Management and Remediation Division
Robert Bullock, DEQ Waste Management and Remediation Division
Kathleen Trever, INEEL Oversight
James S. Johnston, Administrator, Idaho Falls Regional Office
Alan J. Dobson, BNFL, Inc.
Source File (INEEL, Compliance Enforcement)
COF